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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
DAFTUAR, SAKET K				
ART UNIT		PAPER NUMBER		
2151				

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,083

Applicant(s)

NISHIMURA ET AL.

Examiner

Saket K. Daftuar

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-12 and 14-27 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12 and 14-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/21/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. This action is responsive to the amendment filed on November 17th, 2005
2. Claims 1-3; 5-12 and 14-27 are presented for further examination. Claims 4 and 13 are cancelled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-12 and 14-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al, U.S. Patent Number 5,913,039 (hereinafter Nakamura) as applied, and further in view of Wiser et al, U.S. Patent 6,868,403 B1 (hereinafter Wiser).

As per claim 1, Nakamura discloses a reservation requesting step of sending reservation request information including a desired service time for distributing content using said distribution server from a user terminal apparatus to a reservation control apparatus via a first network (see abstract and column 1, lines 43-45); a storing step of writing and storing said authentication information included in said reservation setting information sent from said reservation control apparatus in a predetermined storage area of said user terminal apparatus (see abstract and column 1 lines 55-62) ; a service requesting step of reading and sending, said authentication information stored in said predetermined storage

area from said user terminal apparatus when said user terminal apparatus accesses and uses said distribution server based on said reservation (see column 2, lines 30-37); transmitting content from the user terminal apparatus to the distribution server via a second network; (see column 1, lines 40-65, examiner consider data stream transmitted from server interface unit and carried out by client as transmitting content from the user terminal apparatus to the distribution server via a second network) and broadcasting, by the content distribution server, said content data received from said user terminal apparatus over said first network (see column 2, lines 16-38) .

Nakamura failed to disclose a reservation accepting step of creating, authentication information used for an accepted reservation and sending the reservation setting information including said authentication information from said reservation control apparatus to said user terminal apparatus via the first network when the reservation for use of said distribution server during said desired service time included in said reservation request information is accepted and an authenticating step of deciding whether the use of said distribution server by said user terminal apparatus is accepted or not based on said authentication information sent from said user terminal apparatus.

Wiser teaches a reservation accepting step of creating, authentication information used for an accepted reservation and sending the reservation setting

information including said authentication information from said reservation control apparatus to said user terminal apparatus via the first network when the reservation for use of said distribution server during said desired service time included in said reservation request information is accepted (see column 5, lines 4-20) and an authenticating step of deciding whether the use of said distribution server by said user terminal apparatus is accepted or not based on said authentication information sent from said user terminal apparatus (see column 5, lines 4-20) .

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 2, Nakamura discloses in said storing step, said authentication information included in said reservation setting information is automatically written and stored in said predetermined storage area (column 1 lines 55-62, examiner consider reservation setting information is stored in schedule table storage unit).

As per claim 3, Nakamura failed to disclose in said reservation accepting step, said reservation control apparatus sends the reservation setting information including said authentication information to said user terminal apparatus and registers said authentication information in a database; and in said authentication step, the use of said distribution server is accepted only when the authentication information registered in the database of said reservation control apparatus matches the authentication information sent from said user terminal.

Wiser teaches in said reservation accepting step, said reservation control apparatus sends the reservation setting information including said authentication information to said user terminal apparatus and registers said authentication information in a database (see column 6, lines 50-60 examiner consider storing in media file system as storing information in database); and in said authentication step, the use of said distribution server is accepted only when the authentication information registered in the database of said reservation control apparatus matches the authentication information sent from said user terminal (see column 5, lines 4-20) .

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provide a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the

internet, and that provides security of the media throughout the distribution system.

As per claim 5, Nakamura discloses in said reservation accepting step, said user terminal apparatus sends reservation setting information including communication/connection information necessary to establish a communication/connection with said distribution server to said user terminal apparatus via the first network; (see column 1, lines 43-45, examiner considers client sending request to server as sending reservation setting information to establish a communication connection with distribution server); in said storing step, said user terminal apparatus stores said communication/connection information (see column 1, lines 55-64) ; and in said service requesting step, said user terminal apparatus reads said stored communication/connection information and carries out processing to establish a communication/connection with said distribution server based on the read communication/connection information (see column 1, lines 41-52) .

As per claim 6, Nakamura discloses said user terminal apparatus carries out a communication/connection with said processing server via a telephone network, said communication/connection information contains a telephone number to be called by said user terminal apparatus to establish a

communication/connection with said distribution server (see column 1, lines 43-45).

As per claim 7, Nakamura discloses said user terminal apparatus automatically starts processing to establish a communication/connection with said distribution server at the start time of said reservation or a predetermined time before the start time of said reservation (see column 3, lines 3-8, examiner consider locating the start of the data stream inherits automatically starts processing to establish a communication / connection with said distribution server at the start time of said reservation or a predetermined time before the start time of said reservation).

As per claim 8, Nakamura discloses a notifying step of notifying the user of said user terminal apparatus at the start time of said reservation or a predetermined time before the start time of said reservation that the start time of said reservation or a predetermined time before the start time of said reservation has come (see column 8, lines 39-42).

As per claim 9, Nakamura failed discloses in said reservation accepting step, said reservation control apparatus encrypts and sends said reservation setting information.

Wiser teaches in said reservation accepting step, said reservation control apparatus encrypts and sends said reservation setting information (see column 4, lines 35-44).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 10, Nakamura discloses a reservation requesting step of sending reservation request information including a desired service time for distributing content using said distribution server from a user terminal apparatus to a reservation control apparatus via a first network (see abstract and column 1, lines 43-45); a reservation accepting step of sending, reservation setting information including communication/connection information necessary for said user terminal apparatus to establish a communication/connection with said processing server from said reservation control apparatus to said user terminal apparatus via the first network when the reservation for the use of said distribution server during said desired service time included in said reservation request information is accepted; (see column 1, lines 40-52, examiner consider data stream transmitted from server

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interface unit and carried out by client inherits reservation accepting step of sending reservation setting information with communication/connection information); a storing step of writing and storing said communication/connection information included in said reservation setting information sent from said reservation control apparatus in a predetermined storage area of said user terminal apparatus(see abstract and column 1 lines 55-62) ; a communication establishing step of reading, said communication/connection information stored in said predetermined storage area and establishing a communication/connection with said distribution server based on the read communication/connection information when said user terminal apparatus accesses and uses said distribution server based on said reservation; (see column 2, lines 20-38, examiner consider server control unit reads stored data in job schedule storage unit as a step of reading communication/connection information) transmitting content from the user terminal apparatus to the distribution server via a second network; (see column 1, lines 40-65, examiner consider data stream transmitted from server interface unit and carried out by client as transmitting content from the user terminal apparatus to the distribution server via a second network) and broadcasting, by the content distribution server, said content data received from said user terminal apparatus over said first network (see column 2, lines 16-38) .

As per claim 11, Nakamura discloses in said storing step, said communication/connection information included in said reservation setting

information is automatically written and stored in said predetermined storage area (column 1 lines 55-62, examiner consider communication setting information is stored in schedule table storage unit).

As per claim 12, 14, 15, and 16, they do not teach or further define over the limitations recited in claims 9, 6, 7, and 8, respectively. Therefore, claims 12, 14, 15, and 16 are rejected for the same reasons set forth in claim 9, 6, 7, and 8, *supra*.

As per claim 17, they do not teach or further define over the limitations recited in claims 9 and 12, respectively. Therefore, claim 17 rejected for the same reasons set forth in claims 9 and 12, *supra*.

As per claim 18, Nakamura discloses receiving means for receiving reservation request information including a desired service time to use a distribution server provided from said a user terminal apparatus via a first network; (see column 1, lines 40-65, examiner consider transmitting request to server and later data stream transmitted from server and carried out by client inherits receiving reservation request information including a desired service time to use a distribution server provided from said a user terminal apparatus via a first network); reservation

setting information generating means for generating, reservation setting information including authentication information used only for an accepted reservation when a reservation for the use of said distribution server in said desired service time contained in said reservation request information is accepted; (see column 1, lines 40-52, examiner consider data stream transmitted from server interface unit and carried out by client inherits reservation accepting step of sending reservation setting information) ; and transmitting means for transmitting the reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network (see column 1, lines 40-65, examiner consider data stream transmitted from server interface unit and carried out by client as transmitting the reservation setting information via the first network) and wherein, said reservation information includes information used by said user terminal apparatus to transmit content from said user terminal apparatus to said distribution server which transmits said content over a second network (see column 1, lines 40-65, examiner consider data stream transmitted from server interface unit and carried out by client as transmitting content from the user terminal apparatus to the distribution server via a second network).

Nakamura failed to disclose that reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network.

Wiser teaches reservation setting information the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network (see column 5, lines 4-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 19, Nakamura discloses said reservation setting information generating means includes a command to execute processing of automatically writing and storing said reservation setting information in a predetermined storage area of said user terminal apparatus in said reservation setting information (see column 2, lines 1-38).

As per claim 20, Nakamura failed to discloses an authentication information database for storing the authentication information generated by said reservation setting information generating means.

Wiser teaches an authentication information database for storing the authentication information generated by said reservation setting information generating means (see column 5, lines 4-20); and authenticating means for receiving, when said user terminal apparatus sends authentication information to obtain a permission to use said distribution server based on said reservation, the authentication information sent, deciding whether the received authentication information matches the authentication information stored in said authentication information database and accepting the use of said distribution server by said user terminal apparatus only when the two authentication information pieces match (see column 5, lines 4-20) .

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 21, they do not teach or further define over the limitations recited in claims 9 and 12. Therefore, claim 21 rejected for the same reasons set forth in claims 9 and 12, supra.

As per claim 22, Nakamura discloses receiving means for receiving reservation request information including a desired service time to use a distribution server provided from a user terminal apparatus via a first network; (see column 1, lines 40-65, examiner consider transmitting request to server and later data stream transmitted from server and carried out by client inherits receiving reservation request via first network); reservation setting information generating means for generating, reservation setting information including communication/connection information necessary for said user terminal apparatus to establish a communication/connection with said distribution server via the first network when a reservation for the use of said distribution server in said desired service time included in said reservation request information is accepted (see column 1, lines 40-52, examiner consider data stream transmitted from server interface unit and carried out by client inherits reservation accepting step of sending reservation setting information) ; and transmitting the reservation setting information generated by said reservation setting information generating means to said user terminal apparatus via the first network(see column 1, lines 40-65, examiner consider data stream transmitted from server interface unit and carried out by client as transmitting the reservation setting information) and wherein said reservation information includes information used by said user terminal apparatus to transmit content from said user terminal apparatus to said distribution server which transmits said content over a second network (see column 1, lines 40-65, examiner consider data stream transmitted from server

interface unit and carried out by client as transmitting content from the user terminal apparatus to the distribution server via a second network.).

Nakamura failed to disclose that reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network.

Wiser teaches reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the network (see column 5, lines 4-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provide a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 23 and 24, they do not teach or further define over the limitations recited in claim 19 and 6, respectively. Therefore, claims 23 and 24 are rejected for the same reasons set forth in claims 19 and 6, *supra*.

As per claim 25, they do not teach or further define over the limitations recited in claims 9 and 12. Therefore, claim 25 rejected for the same reasons set forth in claims 9 and 12, supra.

As per claim 26, Nakamura discloses reception processing that receives reservation request information including a desired service time to use said distribution processing server provided from a user terminal apparatus via a first network (see column 1, lines 40-65, examiner consider transmitting request to server and later data stream transmitted from server and carried out by client inherits receiving reservation request via first network); reservation setting information generation processing that, generates reservation setting information including authenticated information used only for an accepted reservation when a reservation for the use of said distribution server in said desired service time included in said reservation request information is accepted, and (see column 1, lines 40-52, examiner consider data stream transmitted from server interface unit and carried out by client inherits reservation accepting step of sending reservation setting information) ; and transmission processing that transmits the reservation setting information including authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network (see column 1, lines 40-65, examiner consider data stream transmitted from server interface unit and carried out by client as transmitting the reservation setting information) wherein, said reservation

information includes information used by said user terminal apparatus to transmit content from said user terminal apparatus to said distribution server which transmits said content over a second network.(see column 1, lines 40-65, examiner consider data stream transmitted from server interface unit and carried out by client as transmitting content from the user terminal apparatus to the distribution server via a second network.).

Nakamura failed to disclose that reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network.

Wiser teaches reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network (see column 5, lines 4-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provide a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

As per claim 27, Nakamura discloses reception processing that receives reservation request information including a desired service time to use said distribution server provided from a said user terminal apparatus via a first network; (see column 1, lines 40-65, examiner consider transmitting request to server and later data stream transmitted from server and carried out by client inherits receiving reservation request via first network); reservation setting information generation processing that, generates reservation setting information including communication/connection information necessary for said user terminal apparatus to establish a communication/connection with said distribution server via the network when a reservation for the use of said distribution server in said desired service time included in said reservation request information is accepted; and (see column 1, lines 40-52, examiner consider data stream transmitted from server interface unit and carried out by client inherits reservation accepting step of sending reservation setting information) ; and transmission processing that transmits said reservation setting information to said user terminal apparatus via the first network (see column 1, lines 40-65, examiner consider data stream transmitted from server interface unit and carried out by client as transmitting the reservation setting information) . Wherein, said reservation information includes information used by said user terminal apparatus to transmit content from said user terminal apparatus to said distribution server which transmits said content over a second network (see column 1, lines 40-65, examiner consider data stream transmitted from server interface unit and carried out by client as

transmitting content from the user terminal apparatus to the distribution server via a second network.).

Nakamura failed to disclose that reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network.

Wiser teaches reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network (see column 5, lines 4-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provide a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

Response to Arguments

5. Applicant's arguments filed November 17th, 2005 have been fully considered but they are not persuasive. As per arguments filed on November 17th, 2005, the applicants' argue in substance that:

- i. Nakamura does not teach to reserve a “desire service” time during which a user terminal apparatus transmitting content to a distribution server which broadcasting the data over a network.

In response to applicant argument i.) Nakamura does teach to reserve a “desire service” time during which a user terminal apparatus transmitting content to a distribution server which broadcasting the data over a network (see abstract and column 1, lines 40-67 and column 2, lines 1-67, column 7, lines 30-67: Nakamura).

However, Nakamura failed to disclose that reservation setting information including the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network.

Wiser teaches reservation setting information the authentication information generated by said reservation setting information generating means to said user terminal apparatus via the first network (see column 5, lines 4-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides a secure online on

demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media throughout the distribution system.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying P.T.O 892.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Saket K. Daftuar** whose telephone number is **571-272-8363**. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SKD
December 29, 2005

A handwritten signature in black ink, appearing to read 'Zarni Maung', with a long horizontal flourish extending to the right.

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER